

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 3:93CR00010
)
v.) **OPINION**
)
OBED HOYTE,) By: James P. Jones
) Chief United States District Judge
Defendant.)

Obed Hoyte, Petitioner Pro Se.

Obed Hoyte, a federal inmate proceeding pro se, has filed a letter seeking to have his sentence reduced, based on recent, but unidentified changes in the sentencing guidelines and his rehabilitation efforts in prison. Because he asserts that his sentence is invalid, the court construed and filed his submission as a Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West 2006). Upon review of the motion and court records, I find that the § 2255 motion must be dismissed as successive.

This court may consider a second or successive 28 U.S.C.A. § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255 para. 8. Court records indicate that Hoyte has previously filed a § 2255 motion concerning

this same conviction and/or sentence, Case No. 7:94CV00158, and other subsequent § 2255 motions as well. Hoyte offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion. Therefore, while I commend his rehabilitative efforts, I must dismiss his current action without prejudice.¹ A separate Final Order will be entered herewith.

ENTER: November 27, 2007

/s/ JAMES P. JONES
Chief United States District Judge

¹ To obtain certification from the Fourth Circuit, the petitioner must submit a copy of the § 2255 motion to the court of appeals, along with a motion requesting certification for the district court to review a successive § 2255 motion. *See 28 U.S.C.A § 2244* (West 2006). Petitioner may write to request a form and instructions for filing this motion at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.